

IN THE SECOND CIRCUIT COURT OF THE FIRST DISTRICT OF
HARRISON COUNTY, MISSISSIPPI

HARRY BRUMFIELD

PLAINTIFF

VS.

CIVIL ACTION NO. A2401-2022-44

ELIE BIRIHO
And INFOCOM USA, LLC

DEFENDANT
FILED
FEB 10 2022
CONNIE LADNER
CIRCUIT CLERK
BY: *[Signature]* D.C.

COMPLAINT

Trial by Jury Requested

Comes now the Plaintiff, Harry Brumfield, and files his complaint against the Defendants, Elie Biriho and Infocom USA, LLC, and in support thereof would respectfully show unto the Court the following facts to-wit:

PARTIES

1. Plaintiff, Harry Brumfield, is an adult resident citizen of Louisiana.
2. Defendant, Elie Biriho, is an adult resident citizen of Dallas, Texas. Process may be served in this cause on the Defendant by serving him personally, via certified mail, or by any other means as outlined by the Mississippi Rules of Civil Procedure, at his residence located at 10778 Lake Gardens Drive, Apt. A, Dallas, Texas 75218-2437.
3. Defendant, Infocom USA, LLC, is a Texas corporation domiciled in Texas, who may be served through its registered agent, Deogratias Bizimana, 9800 Nolina Rd. Fort Worth, Texas, 76177, as outlined through the Mississippi Rules of Civil Procedure.

JURISDICTION AND VENUE

4. Jurisdiction and venue are proper in Harrison County Circuit Court. The Harrison County Circuit Court has *in personam* jurisdiction over Defendants because the

negligent acts and omissions of Defendants were committed in whole or in part in the State of Mississippi.

5. Venue is proper in Harrison County, Mississippi, pursuant to Miss. Code Ann. §11-11-3 since the alleged acts of negligence occurred in Harrison County. Further, the acts giving rise to this Suit occurred in or around Gulfport, Mississippi.

FACTS

6. On April 14, 2021 in Gulfport, Harrison County, Mississippi, there was a 2-vehicle collision involving a tractor-trailer driven by Elie Biriho and a pickup truck driven by Harry Brumfield.

7. Elie Biriho drove his tractor-trailer in the right lane of Interstate-10 eastbound.

8. At the same time, Harry Brumfield drove his pickup truck in the left lane of Interstate-10 eastbound.

9. Without warning, Elie Biriho drove his tractor-trailer from the right lane into the left lane, striking Harry Brumfield's pickup truck.

10. At all relevant times herein, Elie Biriho was acting in his course and scope of employment or at the direction of Infocom USA, LLC. Due to the relationship between Elie Biriho and Infocom USA, LLC, Infocom USA, LLC is vicariously liable for Harry Brumfield's damages.

11. As a direct proximate result of the careless, reckless, and negligent acts of the Defendants, Infocom USA, LLC and Elie Biriho, the plaintiff, Harry Brumfield, suffered serious injuries which have required medical treatment.

NEGLIGENCE

12. This wreck was caused by Elie Biriho's negligence, in the following ways:
- a. By driving his tractor-trailer carelessly.
 - b. By failing to yield while changing lanes.
 - c. By changing lanes without first ensuring it was safe to do so.
 - d. By failing to see what he should have seen.
 - e. By operating his tractor-trailer with a willful, wanton, and reckless disregard for the rights and safety of others.
 - f. By failing to comply with the Federal Motor Carrier Safety Regulations and failing to comply with Mississippi Rules of the Road.
 - g. By violating various other Mississippi state statutes and rules of the road and violations of the Federal Motor Carrier Safety Regulations.
 - h. By lacking the qualifications, training, and supervision to safely operate his tractor-trailer.
 - i. By driving too fast for the conditions.
 - j. By operating a tractor-trailer which was not in a safe condition for driving.
13. Additionally, Infocom USA, LLC's negligence caused this wreck as follows:
- a. Failing to follow the legal and industry standards for the proper hiring, training, and supervision of its driver, Elie Biriho.
 - b. Failing to stop Elie Biriho from operating the tractor-trailer when it was unsafe to do so.
 - c. Negligent entrustment of the vehicle to Elie Biriho.
 - d. Negligent retention of Elie Biriho.
 - e. Failing to follow its own safety standards and industry safety standards.
 - f. Failing to properly maintain its commercial vehicle in a safe condition.
 - g. Vicariously liable under the doctrine of *respondeat superior* for any negligence of its employee, Elie Biriho.
14. Harry Brumfield's damages are a direct and proximate result of the defendants' gross and reckless negligence.
15. Harry Brumfield was not negligent and is completely free from fault.

DAMAGES

16. As a result of his injuries from this wreck, Harry Brumfield seeks reasonable damages in the following categories:

- a. Past physical pain and suffering.
- b. Future physical pain and suffering.
- c. Past mental anguish and emotional distress.
- d. Future mental anguish and emotional distress.
- e. Past medical expenses.
- f. Future medical expenses.
- g. Lost wages and lost earning capacity.
- h. Lost enjoyment of life.
- i. Disability and impairment.
- j. Property damages.
- k. Punitive damages.

PUNITIVE DAMAGES

17. Plaintiff asserts the independent and imputed acts and omissions of Defendants, Elie Biriho and Infocom USA, LLC, were willful, wanton, malicious and grossly negligent, which showed a willful, wanton, or reckless disregard for the safety of others. In addition to special and general damages, Plaintiff requests punitive damages from Defendants.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Harry Brumfield, prays that after due process there be a judgment entered against the Defendants, Infocom USA, LLC and Elie Biriho, for reasonable damages, believed to be in excess of this Court's jurisdictional minimum. Plaintiff further prays for punitive damages individually from each individual Defendant due to the willful, wanton, and grossly negligent actions of Defendants and Plaintiff prays for general relief along with all attorney's fees, costs, and expenses incurred in bringing this action, and such

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other relief as this Honorable Court deems just.

This the ____ day of _____, 2022.

Respectfully Submitted, HARRY BRUMFIELD

By: 

Chad D. Lederman

OF COUNSEL:

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